



August 12, 1999

Mr. Michael Kovacs
City Administrator
City of Presidio
P.O. Box 1899
Presidio, Texas 79845

OR99-2297

Dear Mr. Kovacs:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128101.

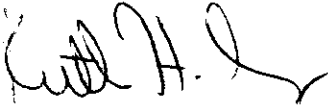
The City of Presidio (the "city") received a request information pertaining to an allegation of voting irregularity. You contend that the records at issue are protected from disclosure pursuant to section 552.108 of the Government Code.

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. Section 552.108(a)(1) section may be invoked by the proper custodian of information relating to an ongoing investigation or prosecution of criminal conduct. The exception is applicable even if the custodian is not a law enforcement agency if the investigation may lead to the filing of criminal charges. Open Records Decision No. 474 at 4-5 (1987). When the custodian of the information claims the exception, the pertinent question is if release of the information would undermine law enforcement or the investigation and prosecution of crime. Open Records Decision No. 434 at 2 (1986). In this situation, we agree that you have provided information showing the applicability of section 552.108(a)(1) to the requested records. The information at issue thus may be withheld from disclosure.¹

¹Because the information at issue may be withheld from disclosure on the basis of section 552.108, we need not address your other arguments against disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 128101

Encl. Submitted documents

cc: Mr. Robert Louis Helpem
La Frontera Publications, Inc.
Drawer P
Marfa, Texas 79843
(w/o enclosures)